

### **Remarks**

Claims 13-21 are pending in the application. Claims 19-21 were withdrawn from consideration by the Examiner, and claims 13-18 were rejected. By this paper, arguments are presented regarding the patentability of the rejected claims, and reconsideration of the claims is respectfully requested.

### **Rejection Under 35 U.S.C. § 103**

Claims 13-15 and 17 were rejected under § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of U.S. Patent No. 3,345,730 to Laverty. Each of independent claims 13, 14 and 17 recites a swaging step, or a step of forming a swaged portion, for attaching a headrest guide tube to a seat back frame. The Examiner acknowledged that AAPA does not disclose any of the claimed swaging steps or steps of forming swaged portions, but argued that Laverty '730 discloses such steps. However, Applicants respectfully believe that the Examiner has failed to provide any motivation for combining AAPA with Laverty '730.

As noted by the United States Court of Appeals for the Federal Circuit, there are three possible sources for motivation to combine references: "the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). In this case, the cited references are directed to different problems. More specifically, AAPA is directed to the problem of attaching a headrest guide tube to a seat back frame, while Laverty '730 is directed to the problem of attaching a circuit breaker tube to a flange. (See Laverty '730, column 1, ll. 20-24.) Furthermore, AAPA discloses welding headrest guide tubes to a seat back frame, and, therefore, teaches away from the process taught by Laverty '730. Finally, the Examiner failed to identify or explain any specific understanding or principle within the knowledge of a skilled vehicle seating artisan that would motivate one with no knowledge of the present invention to make the combination. For these reasons, Applicants respectfully believe that one

skilled in the vehicle seating art, armed with the knowledge of AAPA, would not be motivated to look to the non-analogous circuit breaker art, and more specifically to Lavery '730, for a solution to the problem of attaching a headrest guide tube to a seat back frame. Thus, the Examiner's proposed combination is believed to be improper, and the § 103(a) rejection of claims 13-15 and 17 should be withdrawn.


In addition, claims 13-18 were rejected under § 103(a) as being unpatentable over AAPA in view of U.S. Patent No. 3,327,385 to Shaver. Again, however, Applicants respectfully believe that the Examiner has failed to provide any motivation for combining the cited references.

As noted above, there are three possible sources for motivation to combine references: "the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d at 1357. In this case, the cited references are directed to different problems. More specifically, AAPA is directed to the problem of attaching a headrest guide tube to a seat back frame, while Shaver '385 is directed to a method of making ladders. Furthermore, as noted above, AAPA discloses welding headrest guide tubes to a seat back frame, and, therefore, teaches away from the process taught by Shaver '385. Finally, the Examiner failed to identify or explain any specific understanding or principle within the knowledge of a skilled vehicle seating artisan that would motivate one with no knowledge of the present invention to make the combination. For these reasons, Applicants respectfully believe that one skilled in the vehicle seating art, armed with the knowledge of AAPA, would not be motivated to look to the non-analogous ladder art, and more specifically to Shaver '385, for a solution to the problem of attaching a headrest guide tube to a seat back frame. Thus, the Examiner's proposed combination is believed to be improper, and the § 103(a) rejection of claims 13-18 should be withdrawn.

**Conclusion**

Applicants have made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,  
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